

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

MISTRELL ALVIN,

Movant,

v. 6:11-cv-65
6:06-cr-26

UNITED STATES OF AMERICA,

Respondent.

ORDER

I. INTRODUCTION

Before the Court is Movant Mistrell Alvin's Motion for Reconsideration, ECF No. 55, of this Court's Order Denying his Federal Rule of Civil Procedure 60 Motion for Relief from a Judgment or Order. ECF No. 53. Alvin's motion is ***DENIED***.


Alvin contends that the Court erred in finding that his "Rule 60 motion merely regurgitate[d] and rehashe[d] old arguments from his § 2255 motion and 59(e) motions." ECF No. 55 at 2. He contends that the Court failed to consider newly discovered evidence—mainly the response from his Freedom of Information Act (FOIA) request—as well as his "Jurisdictional Claim." *Id.* at 2-3.

Alvin can rest assured because the Court considered all of the evidence and arguments he presented. This Court's—and the Eleventh Circuit's—previous rulings, however, found Alvin's arguments lack merit. The Magistrate Judge's Report and Recommendation, in particular, outlined the reasons that Alvin's "lame attempt to

support [his] . . . baseless [Wiretap Act] claim" failed on the merits, as well as being procedurally defaulted. ECF No. 30 at 3-14. Contrary to Alvin's assertion, the FOIA response does not call in to question that ruling, nor any other ruling of the Court. His "Jurisdictional Claim" is equally meritless.

Accordingly, Alvin's motion for reconsideration is ***DENIED***.

This 11 day of June 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA